

REMARKS

The applicants appreciate the examiner's review of the prior art and request reconsideration of the pending claims in view of the following remarks. Applicants previously added claims 93-110 and cancelled claims 1-36, 38, 39, 48, 50-62, 64, and 74-92. Accordingly, claims 37, 40-47, 49, 63, 65-73, and 93-110 are currently pending in the application.

Applicants would like to note that the Examiner has allowed subject matter several times during the prosecution of this application. Each time, the Applicants have accepted the allowed subject matter and amended the claims accordingly. However, each time, the Examiner has subsequently issued a new rejection. Applicants would like to express their concern and discontent with this pattern.

35 U.S.C. 102(b) Rejections

The office action rejected claims 37, 40-43, 45-47, 49, 63, 65-68, 70-73, 93-96, 98-105, and 107-110 under 35 USC 102(e) as being anticipated by US Patent Number 5,620,434 (Brony, hereinafter “Brony”).

Claim 37 defines, in relevant part, a medical valve having a housing, a plug member, and a resilient gland member. The plug member defines a channel for directing fluid through the valve and has an opening nearer to its distal end. The resilient gland member normally occludes the opening.

Brony fails to teach such a valve. Rather, Brony teaches a medical vial link for needleless syringes that has either a spring 76 or a bellows joint 80 that biases a valve 72 to the closed position. Although the valve 72 has a hollow body 71 with a plurality of holes 82, the holes are not normally occluded by a resilient member. As known in the art, the term “occlude” means to close, or obstruct. As is shown in Figures 7 and 8, the passageway 74 creates an annular volume between the portion of the valve 72 with the holes 82 and the link body 58. This annular volume prevents the link body 58 (or any of Brony’s components) from obstructing or occluding Brony’s holes 82. Rather, the holes 82 and interior of the hollow body are clearly unobstructed and exposed to the volume within the link body 58. Air, fluid, and/or particulates are free to enter and exit the interior of the hollow body 71 through the holes 82.

The Office Action suggests that the spring 76 or the bellows joint 80 occlude the opening because they push the hollow body 71 upwards. Applicants respectfully disagree. As mentioned above, the holes 82 are clearly open and exposed to the interior of the link body 58 even when in the closed position. Brony's vial link is in the "closed position" when the flange 75 "abuts main portion 18 of the link, or, alternatively, when flange 75 abuts link body 58." (Col 6, lines 40-45). Even in this "closed" configuration (shown in Figures 7 and 8), Brony still has the annular volume surrounding the holes 82. Therefore, the holes 82 are open and exposed to the interior of the link body 58 (because of the annular volume). Accordingly, claim 37 is allowable over Brony. Moreover, claims 40-43, 45-47, and 49, which depend from claim 37, are allowable for at least the same reasons.

In a manner similar to claim 37, claims 63, 93, and 102 define medical valves having resilient gland members that normally occlude an opening within plug member. Accordingly, claims 63, 93, and 102 are allowable over Brony for the same reasons as discussed above with regard to claim 37. Moreover, claims 65-68, 70-73, 94-96, 98-101, 103-105, and 107-110 which depend from claims 63, 93, and 102, are also allowable for at least the same reasons.

35 U.S.C. 103(a) Rejections

The office action rejected claims 44, 69, 97, and 106 under 35 USC 103(a) as being unpatentable over Brony in view of US Patent Number 6,079,432 (Paradis, hereinafter "Paradis").

As dependent claims of claims 37, 63, 93, and 102, claims 44, 69, 97, and 106 also define a medical valve having a resilient gland member that normally occludes an opening within a moveable plug member. Accordingly, claims 44, 69, 97, and 106 are allowable over Brony for at least the reasons discussed above with respect to claim 37.

Additionally, Paradis fails to teach the deficiencies of Brony. In particular, Paradis teaches a medical valve having an internal cannula 14 and a plug 60. Paradis' internal cannula is neither moveable nor does it have an opening nearer to its distal end that is occluded by a resilient member. Accordingly, claims 44, 69, 97, and 106 are also allowable over Paradis. Therefore, since neither Brony nor Paradis teach or suggest, alone or in combination, all limitations of claims 37, 63, 93, and 102, the combination cannot make the claims obvious.

All pending claims therefore are allowable over the cited art. The application therefore is in condition for allowance and such action is earnestly solicited. Applicants do not believe that any extension of time is required. However, if an extension of time is required, Applicants hereby request that the associated fee and any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972. Applicants also request that the examiner contact applicant's attorney, Jonathan Lovely, if it will assist in processing this application through issuance.

Respectfully submitted,

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